

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE MICROSOFT XBOX 360
SCRATCHED DISC LITIGATION,

) Master Cause No. C07-1121-JCC
)
) STIPULATION AND ORDER
) (1) RE-NOTING MOTION FOR
) CLASS CERTIFICATION, AND
) (2) REVISING BRIEFING
) SCHEDULE

) *Noted for Consideration:*
) ***April 6, 2009***
)

This Document Relates To: ALL ACTIONS

STIPULATION

The parties, by and through their attorneys of record, stipulate to entry of the proposed Order set forth below, re-noting Plaintiffs' Motion for Class Certification and revising the previously ordered Schedule for Plaintiffs' Motion for Class Certification and Resetting Trial Date [Dkt 56] (the "Briefing Order").

In support of this request, the parties represent the following to the Court:

1. Plaintiffs filed their Motion for Class Certification on November 21, 2008 [Dkt. 58], and Microsoft Corporation ("Microsoft") filed its Opposition to Plaintiffs' Motion for Class Certification on March 23, 2009 [Dkt. 89], in accordance with the Briefing Order.
2. Under the Briefing Order, Plaintiffs' Reply in Support of the Motion for Class Certification is due on April 22, 2009. *See* Briefing Order [Dkt. 56], at 2, ¶ 3.

1 3. In support of its Opposition, Microsoft filed the Declaration of Dr. Robert
2 Caligiuri [Dkt. 90]. Plaintiffs intend to take the deposition Dr. Caligiuri before filing their
3 Reply. Because of conflicts in the schedules of counsel and Dr. Caligiuri, it now appears that
4 Dr. Caligiuri's deposition cannot occur until the week of April 20, 2009.

5 4. The parties therefore jointly request entry of the proposed Order set forth
6 below, revising the Briefing Order, re-noting Plaintiffs' Motion for Class Certification on the
7 Motion Calendar for May 1, 2009, and providing that Plaintiffs shall file their Reply in
8 Support of the Motion for Class Certification no later than the revised noting date.

9 Respectfully submitted this 7th day of April, 2009.

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11 Attorneys for Microsoft Corporation

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ORDER

Based on the foregoing Stipulation, the Court ORDERS as follows:

Plaintiffs' Motion for Class Certification [Dkt. 58] is re-noted for consideration on May 1, 2009. Plaintiffs shall file their Reply in support of that Motion on or before the noting date.

IT IS SO ORDERED:

DATED this 7th day of April, 2009.


John C. Coughenour
UNITED STATES DISTRICT JUDGE

Presented By:

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Attorneys for Microsoft Corporation

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1 CERTIFICATE OF SERVICE

2 I hereby certify that on April 6, 2009, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to all
4 counsel of record who receive CM/ECF notification, and that the remaining parties shall be
5 served in accordance with the Federal Rules of Civil Procedure.

6 DATED this 6th day of April, 2009.

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